

COMMON COUNCIL
COUNCIL CHAMBERS
MAY 7, 2014

Mayor Kristen Brown called a regular meeting of the City Common Council to order at approximately 6:00 P.M. in the City Council Chambers.

I. Meeting Called to Order

- A. Opening Prayer was given by Vicar Matt Schuler with St. Peter's Lutheran Church.
- B. Pledge of Allegiance was led by Mayor Brown.
- C. Roll Call was taken. Dascal Bunch, Ryan Brand, Frank Jerome, Frank Miller, Tim Shuffett, Kenneth Whipker, and James Lienhoop were present.
- D. Councilor Shuffett made a motion to approve the minutes from the City Council meeting on April 15, 2014 as presented. Councilor Bunch seconded the motion. Motion passed by a vote of seven (7) in favor and zero (0) opposed.

II. Unfinished Business Requiring Council Action

- A. Second reading of an Ordinance entitled "ORDINANCE NO. 12, 2014, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY FROM "CN" (COMMERCIAL: NEIGHBORHOOD CENTER) TO "CD" (COMMERCIAL: DOWNTOWN CENTER)." (Cummins Health Facility Rezoning) Jeff Bergman, Planning Director, explained this property is located immediately north of the Cummins Corporate Office building, north of 8th Street between Brown and Jackson Streets. Cummins has proposed the rezoning to construct a health facility on the property. Jeff stated utilities and easements need to be relocated, and parcels need to be consolidated into the downtown commercial zone. The Columbus Plan Commission gave a unanimous favorable recommendation for this rezoning request. There were no comments from the public. Councilor Shuffett made a motion to pass the second reading and adopt the ordinance. Councilor Jerome seconded the motion. Motion passed by a unanimous vote.

III. New Business Requiring Council Action

- A. Reading of a Resolution entitled "RESOLUTION NO. 2, 2014, A RESOLUTION APPROVING A DEDUCTION FOR TAX ABATEMENT IN A PREVIOUSLY DESIGNATED ECONOMIC REVITALIZATION AREA PURSUANT TO INDIANA CODE 6-1.1-12.1, ET. SEQ. AND AUTHORIZING THE MAYOR TO EXECUTE THE STATEMENT OF BENEFITS FORM." (Nagakura Engineering Works Co., Inc.) Clark Greiner, Business Development and Planning Coordinator, along with Kay Lord, Sharon Sharp, and Shigeo Misuda with Nagakura Engineering Works Co., Inc. presented this request for tax abatement. They requested a tax abatement for personal property at their existing location at 630 S. Mapleton Street. Nagakura Engineering Works Co., Inc. plan to add a machining line in the amount of \$718,042.99. As a result of the expansion, they will retain 170 employees and will hire six (6) new individuals. Clark

stated Nagakura Engineering Works Co., Inc. is in a previously designated revitalized area. Shigeo Misuda explained they manufacture approximately 20,000 transmission parts per month. Brief discussion followed. Councilor Lienhoop stated the Incentive Review Committee met prior to the Council meeting and found Nagakura Engineering Works Co., Inc. to be in substantial compliance and would recommend adoption. There were no comments from the public. Councilor Lienhoop made a motion to approve the tax abatement for ten (10) years. Councilor Bunch seconded the motion. Motion passed by a vote of seven (7) in favor and zero (0) opposed.

- B. Reading of a Resolution entitled "RESOLUTION NO. 3, 2014, A RESOLUTION APPROVING A DEDUCTION FOR TAX ABATEMENT IN A PREVIOUSLY DESIGNATED ECONOMIC REVITALIZATION AREA PURSUANT TO INDIANA CODE 6-1.1-12.1, ET. SEQ. AND AUTHORIZING THE MAYOR TO EXECUTE THE STATEMENT OF BENEFITS FORM." (Toyota Industrial Equipment Manufacturing, Inc.) Clark Greiner, along with Joe Kurdziel, Accounting Manager with Toyota Industrial Equipment Manufacturing, Inc., and William Faulkner, Director of Property Tax for DuCharme, McMillen & Associates, Inc., presented this request for tax abatement. They requested a tax abatement for real and personal property at their facility located at 5555 Inwood Drive, Columbus. Toyota Industrial Equipment Manufacturing, Inc. plans to invest an estimated \$21.8 million in new manufacturing and IT equipment aimed at capacity increases and workflow efficiencies. Additionally, the Wellness Center is being expanded as a part of the project with an estimated cost of \$5.5 million. As a result of the expansion, they will retain 813 employees, 203 temporary employees, and plan to add ten (10) new individuals. Joe Kurdziel stated they have already hired ten (10) new employees so the number of total number of new employees should be significantly higher. He explained the company produced approximately 34,000 forklifts last year and anticipates an 8% increase in 2014. Brief discussion followed. Councilor Lienhoop stated the Incentive Review Committee met prior to the Council meeting and found Toyota Industrial Equipment Manufacturing, Inc. to be in substantial compliance and would recommend adoption. Mayor opened the meeting for public comment. Victoria Griffin stated last week Toyota pulled out of the Northern Kentucky/Greater Cincinnati area and it affected over 1000 employees and asked if some of those employees will be moving into the area for these jobs. Mr. Kurdziel had no information on that closure. Mayor closed the meeting for public comment. Councilor Lienhoop made a motion to approve the tax abatement for ten (10) years for both real and personal property. Councilor Bunch seconded the motion. Motion passed by a vote of seven (7) in favor and zero (0) opposed.
- C. Reading of a Resolution entitled "RESOLUTION NO. 4, 2014, A RESOLUTION APPROVING A DEDUCTION FOR TAX ABATEMENT IN A PREVIOUSLY DESIGNATED ECONOMIC REVITALIZATION AREA PURSUANT TO INDIANA CODE 6-1.1-12.1, ET. SEQ. AND AUTHORIZING THE MAYOR TO EXECUTE THE STATEMENT OF BENEFITS FORM." (Force Holdings, LLC) Clark Greiner, along with Harold Force and David Force with Force Holdings, LLC presented this request for a custom tax abatement for ten (10) years. Force Holdings, LLC, plan to construct a 50,000 square foot building on real property in Woodside Northwest Industrial Park, Lot 5. The design for the building is suitable for a wide variety of uses that are consistent with established zoning requirements in that area. The purpose is to attract industry to the City of Columbus. Clark explained Lot 5 is located in a previous designated Economic Revitalized Area. As a result of the

construction, they will help create ten (10) local construction jobs with an average wage of \$25.00 an hour. Harold Force indicated the project site is on ten (10) acres of land and may be expanded to thirteen (13) acres for the potential expansion of 200,000 square feet. David Force stated the building is designed to be flexible and architecturally interesting. Harold Force explained if the tax abatement is approved, they would preserve as much of the tax abatement as possible for who that end user of the new or expanding company might be. Council Jerome questioned the number of acres. Harold stated the illustration shown in the paperwork is a 10 acre site and they expect to expand the site by three additional acres for the building to grow. Councilor Lienhoop asked about the average time on the market before the building could be sold and what Harold's experience has been in the past. Harold explained Force Holdings LLC undertook two (2) shell buildings in the late 1970's – early 1980's and their average time was about a year and a half. He stated similar ventures have taken longer. Harold believes they are at a good point in the economic cycle and the activity is there. Councilor Miller asked about preserving the tax abatement for the future user. Harold explained his thoughts on the issue. Councilor Lienhoop stated the Incentive Review Committee met prior to the Council meeting and found Force Holdings, LLC to be in substantial compliance and would recommend adoption. Mayor spoke about concerns she has received from local business owners and contractors in the community, specifically questions about why the Council would award a custom abatement to a project that doesn't create jobs. She said there are concerns about fairness and setting a precedent being available to anyone who built a building on speculation. Mayor further questioned if the market is so hot for these spec buildings why would the community award a special incentive. Mayor personally has concerns that we are setting a precedent, stating the incentive shouldn't be necessary and all we are doing is inflating the value of the building. Mayor opened the meeting for public comment. Jason Hester with the Columbus Economic Development Board agreed those are fair questions. On behalf of the Columbus Economic Development Board, Jason explained they work to support existing companies to have room to expand and they also work to attract new companies to the community. He stated the last year and a half the site building committee has been studying this, looking at the market, what we need, what opportunities are we missing, and what opportunities we can capture. The need for modern, available, industrial property is at the top of the list. Shovel-ready land would be closely second to that. Jason further stated up to 85% of all leads that come to their office, primarily with those leads coming from the State of Indiana, they either need an existing building or have a preference for an existing building. Jason said the Columbus Economic Development Board is thrilled to have a private developer interested to take the risk. Ultimately the end user will be back asking for support through perhaps an additional abatement for the new investment to finish the building to create those jobs. George Breeden asked if he could build a spec building. Councilor Lienhoop explained anyone can ask for an abatement and the Council will review the project based on its merits. Discussion followed. Mayor closed the meeting for public comment. Councilor Lienhoop made a motion to approve the tax abatement. Councilor Brand seconded the motion. Motion passed by a unanimous vote.

- D. First reading of an Ordinance entitled "ORDINANCE NO. ___, 2014, AN ORDINANCE ANNEXING AND DECLARING CERTAIN TERRITORY TO BE A PART OF THE CITY OF COLUMBUS, INDIANA." (Redwood Acquisition Annexation) Jeff Bergman, Planning Director, presented a request for annexation and the rezoning item listed below (Item E), by displaying a powerpoint presentation.

Jeff explained the annexation portion of this project is 23.67 acres, which includes approximately 23.03 acres of property, plus adjacent right-of-way. A developer is interested in developing the property from agriculture to multi-family residential zoning. The property is located adjacent to the City limits on the west side of Carr Hill Road. Jeff stated the Columbus Plan Commission gave a favorable recommendation with a unanimous vote on both the annexation and rezoning, with commitments to the rezoning request. The Commission requested a fence be installed along the south/southwest property line; a 15 foot buffer be provided along that same property line; and a sidewalk extension. Jeff introduced Russell Brown, with Clark, Quinn, Moses, Scott & Grahn, LLP, who represents the applicant. Jeff Logston, City Attorney, explained the process of voluntary annexation. Discussion followed. Councilor Miller asked about the City's flood plain regulations regarding this property. Jeff Bergman stated this property is in the flood fringe, where FEMA and DNR would allow this development to take place provided it is elevated above the 100 year flood protection grade. Mayor opened the meeting for public comment. Jim Daily, 3727 N 1050 E, representing Garden City Farms, expressed concerns about drainage and where excess water will go if the development is approved. Jeff Bergman stated the Columbus Plan Commission concluded there may be a bigger drainage issue that deals more with Menards / Columbus Crossing Development and the property that Mr. Daily is farming. Prior to any development taking place the property will have to meet the City's stormwater regulations, which would require the appropriate amount of water to be retained on the property or find an acceptable outlet. Julie Aton, 217 S 350 W, suggested the City look into why we keep developing in areas where we know there are problems and we are not dealing with the issue or how to properly handle the water, but we keep allowing and approving. Ross Ricketts, West Carr Hill Road, expressed concerns about flooding and traffic with a new development. Fred Staddler, 295 Linden Lane, representing the owners of the adjacent land, commented about the lack of integrated planning when you annex small pieces and the result is somewhat less organized. Mayor closed the public comment session of the meeting. Councilor Miller expressed concerns with the annexation. Jeff Logston explained from a legal analysis, for the Councilors consideration, 100% voluntary annexation laws look at the ability for the City to provide services. Should a legislative body fail to adopt within 60 days from the petitioning filed, the individual petitioner can request a court order the annexation take place if certain requirements are met. Much discussion followed. Councilor Jerome made a motion to pass on the first reading and place in proper channels. Councilor Brand seconded the motion. Roll call vote was taken.

Dascal Bunch	Nay
Ryan Brand	Aye
Frank Jerome	Aye
Frank Miller	Nay
Tim Shuffett	Aye
Kenneth Whipker	Nay
James Lienhoop	Aye

Motion passed by a vote of four (4) in favor and three (3) opposed.

- E. First reading of an Ordinance entitled "ORDINANCE NO. ___, 2014, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY FROM "AP" (AGRICULTURE: PREFERRED) TO "RMc" (RESIDENTIAL: MULTI-FAMILY WITH COMMITMENTS)." (Redwood Acquisition Rezoning) Jeff Bergman presented this

ordinance and stated this rezoning was discussed during the prior action item. Councilor Shuffett made a motion to pass the first reading and place in proper channels. Councilor Jerome seconded the motion. Roll call vote was taken.

Dascal Bunch	Nay
Ryan Brand	Aye
Frank Jerome	Aye
Frank Miller	Nay
Tim Shuffett	Aye
Kenneth Whipker	Nay
James Lienhoop	Aye

Motion passed by a vote of four (4) ayes and three (3) nays.

- F. First reading of an Ordinance entitled "ORDINANCE NO. ___, 2014, AN ORDINANCE AMENDING THE SHADOW CREEK FARMS PRELIMINARY PLANNED UNIT DEVELOPMENT (PUD) PLAN." (Shadow Creek Farms Preliminary PUD Modification) Jeff Bergman displayed maps of the area and explained Beazer Homes of Indiana, the current developer of the Shadow Creek Farms subdivision, is requesting a series of changes to the originally approved Planned Unit Development (PUD) requirements. Beazer Homes is requesting that an area of Shadow Creek Farms, previously designated "neighborhood commercial" use, be changed to common area for the use as a pond and open space. Jeff stated the second part of the request is to update the statement of conditions, which were briefly discussed. There were no comments from the public. Councilor Shuffett made a motion to pass the first reading and place in proper channels. Councilor Whipker seconded the motion. Motion passed unanimously.
- G. First reading of an Ordinance entitled "ORDINANCE NO. ___, 2014, AN ORDINANCE ANNEXING AND DECLARING CERTAIN TERRITORY TO BE A PART OF THE CITY OF COLUMBUS, INDIANA." (Joel Spoon / Stonehaven Annexation) Jeff Bergman presented this ordinance for annexation, in addition to Item H below regarding rezoning. Jeff explained the request is for a total annexation of 13.65 acres, which includes right-of-way. Joel Spoon plans to develop a subdivision of approximately 25 single-family homes on property adjacent to the City limits, generally located at the northwest corner of Goeller Road and County Road 350 West. Photos were displayed of the area. Jeff stated the Columbus Plan Commission gave a unanimous favorable recommendation on both the annexation and rezoning requests. Jeff explained audience members at the Columbus Plan Commission expressed concerns about the condition and safety of County Road 350 West. Several Council members shared the same concerns about CR 350 West. Much discussion followed. Mayor opened the meeting for public comment. Jeff Graham, 5130 Goeller Road, asked about storm drainage from the development. Joel Spoon stated there would be a retention pond for stormwater drainage. Ken Delap, 37 N 350 West, expressed the dangers of traveling on County Road 350 West. Dale Pasley, 19 N 350 West, reiterated previous concerns. Joel explained the development was designed with two (2) entrances and exits based on requirements by the Fire Department. He suggested having only one entrance on Goeller Road and creating a cul-de-sac in place of the entrance on CR 350. Jeff Bergman discussed possible alternatives. Curt Aton, 1817 Caldwell, spoke about the dangers of speeding vehicles on CR 350 West. Julie Aton lives on CR 350 West, she questioned the proposed plan of extension of asphalt of one foot and five foot bike/ped in front of the property, but no turn lanes. She is also concerned about the entrance to the new addition at the downside of the hill toward the south. Roberta Walls, 53 S 350 W, stated County Road 350 West is too busy and there is

already too much traffic on the road. Gary Johnson suggests fixing the road and everything would be fine. Councilor Brand questioned when the Plan Commission looks at approval for annexation and/or rezoning do they take into consideration any traffic studies on roads that are connectors to new developments. Jeff Bergman explained the Plan Commission, at the time of plat approval, can only really consider whether or not the plat complies with the City's regulations. They also look at entrances and site visibility. Mayor closed the public comment part of the meeting. Councilor Jerome made a motion to pass the annexation on the first reading and place in proper channels. Councilor Lienhoop seconded the motion. Further discussion followed. Motion failed by a vote of one (1) in favor and six (6) opposed. Councilor Jerome voted in favor of the ordinance.

- H. First reading of an Ordinance entitled "ORDINANCE NO. ___, 2014, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY FROM "AP" (AGRICULTURE: PREFERRED) TO "RS3" (RESIDENTIAL: SINGLE-FAMILY 3)." (Joel Spoon / Stonehaven Rezoning) Jeff Bergman explained this rezoning request is in conjunction with the previous agenda item. Discussion followed. Curt Aton asked if the entire road could be annexed. Jeff Logston suggested scheduling a meeting off line to discuss possible solutions. Joel Spoon said construction season is fast approaching and he would appreciate anything that could be done to have further discussion.

Councilor Jerome made a motion to withdraw the denial of the annexation ordinance (Item G). Councilor Lienhoop seconded the motion. Motion passed by a vote of five (5) in favor to withdraw the denial and two (2) opposed. Councilor Bunch and Councilor Miller voted nay. Councilor Jerome made a motion to table the annexation ordinance until the next Council meeting on May 20, 2014. Councilor Lienhoop seconded the motion. Jeff Bergman requested instructions as to specific information Council would like to have by the next meeting. Councilor Jerome would like to talk to the County Commissioners and invite them to attend the next Council meeting. Councilor Shuffett would like for City Engineer, Beth Fizel, to prepare a presentation on CR 350 West and detail what the City's expectations are as far as improvements. Councilor Whipker suggested inviting County Engineer, Danny Hollander, to the meeting. Councilor Lienhoop would like to see design plans for a cul-de-sac. Mayor summarized the requests as recommendations from City and County engineers on how to address the problems. Motion to table the annexation ordinance until the next Council meeting scheduled for May 20, 2014, passed by a vote of five (5) in favor to two (2) opposed. Councilor Bunch and Councilor Miller voted nay.

Councilor Jerome made a motion to table the rezoning ordinance until May 20, 2014. Councilor Shuffett seconded the motion. Motion passed to table the rezoning ordinance by five (5) ayes and two (2) nays. Nay votes were Councilor Bunch and Councilor Miller.

- I. Reading of a Resolution entitled "RESOLUTION NO. 5, 2014, A RESOLUTION TO AUTHORIZE THE CITY OF COLUMBUS REDEVELOPMENT COMMISSION TO EXPEND FUNDS IN EXCESS OF \$500,000 FOR ROAD RECONSTRUCTION IN WOODSIDE INDUSTRIAL PARK." Elizabeth Fizel, City Engineer, explained bids have been accepted and a recommendation was made to the Redevelopment Commission to award the bid to Milestone Contractors, L.P. as low bidder, in the amount of \$1,430,887.00. There were no comments from the public. Councilor Jerome made a motion to pass the resolution. Councilor Shuffett seconded the motion. Motion passed unanimously.

J. First reading of an Ordinance entitled "ORDINANCE NO. ___, 2014, AN ORDINANCE AMENDING ORDINANCE NO. 3, 2014 ENTITLED 2014 SALARY ORDINANCE." Mayor Brown requested the Council reinstate the salary for the Director of Parks and Recreation and modify the salary for the Marketing Coordinator to the amounts as of the end of 2013. Mayor explained this has been held up for some time now awaiting legal opinions and we have now received a legal opinion from the City's outside attorney, Krieg DeVault, and an attorney the Council hired out of Bloomington. Councilor Bunch stated Park Board Member, Nancy Ann Brown, provided a letter requesting it be read publicly at the meeting. He asked Councilor Brand to read the letter. In the letter, Nancy Ann suggested going through the Court system and getting a final legal opinion. Mayor stated many of Nancy Ann's comments are not consistent with Mayor Brown's views. Mayor stated she had previously received a letter from three members of the Park Board with requests to reappoint Ben Wagner or offer a six month severance package with benefits; that the Park Board unilaterally hire and manage a new Director; replace their attorney; and terminate the fourth Park Board Member. Mayor stated they are not moving forward in a collaborative fashion. Councilor Brand suggested Mayor have conversations with her appointed Parks Board. Mayor feels it's inappropriate for the Council to hold this position hostage. Councilor Lienhoop suggested reforming some kind of working relationship with the Park Board. Much discussion followed. Councilor Jerome stated the next Park Board meeting is scheduled for May 15 and he is looking forward to all parties attending and hearing the discussion at that meeting. Jeff Logston, City Attorney, addressed inaccuracies in Nancy Ann's letter directed at his position. Councilor Miller questioned how long this issue is going to go on. Councilor Bunch stated the Park Board has requested the Council's support. Mayor opened the meeting for public comment. Dave Jones spoke. Andy Perr, Carr Hill Road, said it was time to move on. Councilor Brand said none of the issues that cost Mr. Wagner his position have been addressed, he thinks those issues need to be addressed before moving forward with a new director. Deb Perr, Andy's wife, stated Ben is not going to get his job back. It's the Mayor's decision and if she were a man, would a man be receiving this disrespect. Martha Risk, Fairlawn, feels the majority of the Council was not in favor of the Mayor and when she won by a landslide it through them for a loop. Discussion followed. Curt Aton, asked the amount of Council's legal opinion. Councilor Lienhoop said it was less than \$2,500. Curt asked the amount of Krieg DeVault's opinion. Jeff Logston said it was less than \$5,000. Curt believes there were a lot of mistakes made along the way of the demotion of Ben, doesn't feel it was handled in the right way, and he thinks it's in the City's best interest to reinstate Ben Wagner and stop the bleeding. Mayor closed the meeting for public comment. Councilor Miller made a motion to reinstate the salaries as they were prior to Council's changes. Motion died for a lack of a second.

IV. Other Business

- A. Standing Committee and Liaison Reports
- B. Discussion Item: Emergency Operations Center – Console Upgrade, Matt Caldwell – This item will be discussed at the May 20, 2014 Council meeting.
- C. The next regular meeting is scheduled for **Tuesday, May 20, 2014, 6:00 p.m. in City Hall.**

Statement of Nancy Ann Brown:

Over the past couple of months, I have been asked by many people about the discussion going on between the Mayor, City Attorney, City Council, and Park Board. This public discussion has not previously gone on in our community. But, in my view, this is a very important discussion for us to have. The future of our Park Board operations will hinge on this discussion and the decisions rendered. As a previous Mayor, I would like to take a minute and outline, from my perspective, what has happened historically, where we are now, and the options I see based on the current discussions.

First of all, I have always accepted the position that the Park Board, City Utilities, or any Board organized under State Statute, were independent. Myself and other former Mayors accepted the conclusion that this meant that once the Park Board was appointed by the Mayor, that Board had the authority to hire the Director, hire all employees, hire an attorney, set policies, develop procedures, monitor spending, set tax rates and user fees, bond, use eminent domain, manage the Department in general and report this information to the Mayor and the City Council. (All of these stipulations are set forth in the Park Board law.) If there was a question, the Mayor called the Director or the President of the Park Board and reached a conclusion. In talking with Attorneys in Columbus over the years, this is the interpretation that I was given by each of them. And I believe the other Mayors were given the same interpretation. In my own mind this was set in stone. I have told the Mayor, some City Council members, City Attorney, and Park Board Members and others that this is my opinion.

I also believe that all of the members of the Park Board over this past 60 plus years were sure this was the correct interpretation -- because this allowed the Park Board to operate outside the political realm, hire a long term Director who could develop long range relationships with agencies and donors in the Community, and develop long range plans that would bring a continuity that was very stable. The Director would not change each 4 years when a Mayor might change. The results in our community speak for themselves with Chuck Wilt and his four predecessors, followed by Ben Wagner, bringing State and National Honors and Awards to Columbus for our wonderful Park system and with donors contributing several millions of dollars to the Park and Park Foundation.

Since her election two years ago, Mayor Kristin Brown has brought new ideas to the City of Columbus. With those ideas she has questioned the status quo on several issues and has brought about many changes. This is her prerogative as Mayor. With advice from her City Attorney, Jeff Logston, the Mayor has questioned the "status quo" on how the Park Board operates, including: the hiring and termination of the Director, to whom the Director reports, the operations within the Park department, and the hiring of a Park Board attorney. The City Attorney has a different interpretation of the law. His interpretation goes back to law that was written before the Park Board Statute was written. This old section of the Law says that the Mayor will hire all Department Heads and specifically lists many (but not all) of those department heads that the Mayor will hire, including the "Park Department Superintendent". This section of the law has to stay in place in the law because there are communities who do not have a park board or do not have a Park Board that was established under the new section of the law which provides for a State Approved Park Board under specific rules. The City

Attorney also says the Park Board cannot hire an Attorney, but must use the City Attorney, even though the Park Board law, allows the Board to hire an Attorney.

The old section of the State law regarding Mayoral appointments is about 200 years old (now, that may be a slight exaggeration but it is an old law). It was not changed when the Park Board Law was written about sixty or seventy years ago. Therefore, we now have a difference of opinion on the interpretation between the two laws. The City Attorney and Mayor believe the old law still stands. The City Council and three members of the Park Board believe the new section of the law written specifically for Park Boards should stand.

Historically, the City Officials have concluded and accepted that when the Park Board Law was written it superseded all previous law. However, like most laws that are written, because there was not a specific clause saying "this law supersedes all previous law", this is now being challenged. The discussion over this difference of opinion has been only a short discussion. (Three or four months for a legal discussion is a relatively short time.) The City Attorney, Jeff Logston, has hired his old law firm out of Indianapolis for an opinion on the old law, and the City Council has hired an attorney an attorney with no local connection for an opinion on the new Park Board Law vs the old law. (Since the City Attorney will not allow the Park Board to hire an Attorney they must rely on the Council to do so.) Needless to say, the opinions are different.

How do we sort this out and come to a conclusion? I will give you my view and remember; this is Nancy Ann's view and does not reflect the view of the Park Board, City Council, City Attorney, or Mayor.

I believe, for the good of the community, the two opinions we have in hand should be taken to Circuit Court Judge Steve Heiman, let the Judge review the statutes in question, and give us a Legal Court Opinion. This provision is spelled out in the Park Board law, and has been used by others. This would settle the legal questions for the City: i.e. who hires/fires the Park Director, who does the Director report to, who manages the Park System, and who hires/fires the Park Board Attorney. As I said earlier, this is a very important discussion for the community to have. It is also a very, very important decision. We should not take this lightly and jump to conclusion.

Brian Russell, Park Board President, prefers not to go to court. He is trying to work with the Mayor, the Council, and a few community leaders, to discuss possible solutions, without going to court. To that end, Brian asked Mary Tucker and me, individually, to send him our own thoughts about the operation of the department. Brian put these together along with his own thoughts and he has shared them with the Mayor and City Council. It is my understanding that the Mayor and City Council have been invited to the Park Board Meeting on Thursday, May 15, to continue this discussion. Hopefully Brian will be able to work this out at that meeting.

This is a very important decision and although I commend Brian for trying to bring about this solution in a diplomatic way and not get the Courts involved, I believe that whether we like it or not, when it comes to interpreting the law, the only way a true Legal Decision can be made is to go through the Court System. I ask that we don't rush to judgment on this. Let the Attorneys plead their case in front of the Circuit Court and get a Final Legal Opinion.

As I said at the beginning, this is just my view, based on history and a working knowledge of city operations.


I believe, however, that I can speak for Park Board Members, Mary Tucker and Brian Russell, when I say that we believe this is the best Park Department in the State of Indiana, and probably in the nation. And all we want is the best operating atmosphere for all Park employees, staff, the Board, and the City.

Nancy Ann Brown

D. Councilor Jerome made a motion for adjournment. Councilor Lienhoop seconded the motion. Motion passed unanimously. The meeting adjourned at approximately 9:45 P.M.


Presiding Officer

Attest:


Clerk Treasurer of City of Columbus